

In addition, it is noted that the Examiner has applied claim 8 of U.S. Patent No. 6,840,426 in the double patenting rejection, and has applied claim 1 of Application No. 10/600,614 in the provisional double patenting rejection. However, note that U.S. Patent Application No. 10/600,614 has issued as U.S. Patent No. 6,840,426. Accordingly, it is respectfully submitted that the provisional rejection over claim 1 of Application No. 10/600,614 is moot. Note that in view of issuance of U.S. Patent No. 6,840,426, the enclosed Terminal Disclaimer does not address Application No. 10/600,614.

Additionally, please note that Application No. 10/600,575 has now issued as U.S. Patent No. 6,953,144, issued October 11, 2005. Accordingly, the enclosed Terminal Disclaimer addresses U.S. Patent No. 6,943,144, and does not address Application No. 10/600,575.

In view of all the foregoing, the obviousness-type double patenting rejection and provisional obviousness-type double patenting rejection, set forth on pages 2 and 3 of the Office Action mailed September 14, 2005, are noted. It is also noted that the Examiner has indicated on page 2 of the Office Action mailed September 14, 2005, that a timely filed Terminal Disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting. It is respectfully submitted that the presently submitted Terminal Disclaimer satisfies all requirements of 37 CFR 1.321(c); and that, accordingly, the double patenting rejections (both actual and provisional) in the Office Action mailed September 14, 2005, are moot.

The enclosed Terminal Disclaimer is being submitted presently in order to facilitate proceedings in connection with the above-identified application, so as to achieve earliest possible issuance of a U.S. patent based thereon. The present filing


of the Terminal Disclaimer does not constitute agreement with, or an admission as to the propriety of, the actual or provisional obviousness-type double patenting rejections; and does not constitute agreement with, or an admission as to the propriety of, arguments made by the Examiner in connection with the actual and provisional obviousness-type double patenting rejection.

In view the present submission of the enclosed Terminal Disclaimer, it is respectfully submitted that the provisional and actual obviousness-type double patenting rejections, which are the sole grounds of rejection in the Office Action mailed September 14, 2005, have been obviated. Accordingly, reconsideration and allowance of all claims in the application, and passing of the above-identified application to issue in due course, are respectfully requested.

Applicants request any shortage of fees due in connection with the filing of this paper be charged to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (case: 503.35255VX9), and any excess fees be credited to such Deposit Account.

Respectfully submitted,

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